

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TYRONE BARNES,	:	
	:	
	:	
Plaintiff,	:	Civil Action No. 09-2489 (SRC)
	:	
v.	:	OPINION & ORDER
	:	
YOLETTE ROSS et al.,	:	
	:	
	:	
Defendants.	:	

CHESLER, U.S.D.J.

This matter comes before the Court pursuant to the letter from the Attorney General of the State of New Jersey (the “State”) of September 7, 2011, contending that this case is now moot, and on this Court’s subsequent Order To Show Cause of September 14, 2011 (Docket Entry No. 78), directing Plaintiff to show cause in writing why this action should not be dismissed as moot.

The parties do not dispute that Plaintiff has been granted parole from the correctional facility he was in. Plaintiff contends, however, and correctly so, that this does not moot his case in its entirety. Plaintiff does concede that certain of his claims for injunctive relief are now moot.

It is surprising that the State should contend that the case is now moot in its entirety, given that the State’s motion for summary judgment on Plaintiff’s § 1983 claim is pending. The State does not argue – nor could it, reasonably – that Plaintiff’s parole has any impact on his § 1983 claim, which remains a justiciable controversy.

Plaintiff has shown cause why this action should not be dismissed as moot. The Order to Show cause will be discharged. Should the State wish to seek dismissal of any part of Plaintiff's declaratory judgment claim, it should proceed by way of a formal motion.

For these reasons,

IT IS on this 19th day of December, 2011,

ORDERED that the Order To Show Cause of September 14, 2011 (Docket Entry No. 78) be and hereby is **DISCHARGED**.

/s Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge